

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

NO. 5:09-CR-216-8-FL

UNITED STATES OF AMERICA	)
	) GOVERNMENT'S RESPONSE TO
v.	) DEFENDANT'S MOTION FOR
	) DISCLOSURE OF WITNESS
ZIYAD YAGHI	) STATEMENTS (D.E. 1044)

The United States of America, by and through the United States Attorney for the Eastern District of North Carolina, hereby responds in opposition to defendant's Motion for Disclosure of Witness Statements, and states unto the Court:

The defendant requests the government be required to turn over all Jencks material pre-trial, or in the alternative, after the government witnesses have completed their testimony. D.E. 1044. The government has no objection to an order requiring the latter, but there is no support for an order to do the former.

Title 18, United States Code, Section 3500 controls the disclosure of Jencks materials. Section 3500 requires only that a witness' prior statements be turned over after direct examination of the witness.

As noted in previous statements and filings to the Court, the government will adhere to local practice in this district, and turn over to defense prior to trial any and all Jencks statements of persons identified as witnesses for the government's case-in-chief. As those trial witnesses are identified, there will be a

concomitant release of any Jencks material. It is anticipated the any Jencks material of identified trial witnesses will be disclosed no later than two weeks prior to trial. The government avers that there is not such magnitude of Jencks material that would unduly burden the defense with its receipt per the normal local practice.

Respectfully submitted this 20th day of June, 2011.

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CERTIFICATE OF SERVICE

This is to certify that I have this 20th day of June, 2011, served a copy of the foregoing upon counsel for the defendants in

this action by electronically filing the foregoing with the Clerk of Court, using the CM/ECF:

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and further, upon defendant Anes Subasic by placing a copy postage pre-paid in first class mail addressed to: Anes Subasic, Public Safety Center, Attn: Wake County Jail, Post Office 2419, Raleigh, NC 27602.

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